

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PUERTO RICO PORTS AUTHORITY,

Petitioner

v.

CARNIVAL CORPORATION,

Respondent

CIVIL NO. 07-1937 (JP)

ORDER

Before the Court is the parties' joint motion to lift the stay on the proceedings and petition to confirm the arbitration award (**No. 65**). Said motion is **GRANTED**.

By way of background, on June 7, 2001, Carnival Corporation ("Carnival") and the Puerto Rico Ports Authority ("the Authority") entered into a Terminal Agreement which contained a provision governing the circumstances under which the Authority could increase certain fees charged to Carnival. Said agreement also provided for arbitration in San Juan, Puerto Rico to solve any disputes. On August 3, 2004, Carnival filed a demand for arbitration alleging that the Authority breached the fee provision in the Terminal Agreement. The Arbitration Panel issued an award, on July 9, 2007, in favor of Carnival.

On July 19, 2007, Carnival filed a petition for confirmation of the arbitration award before the United States District Court for the

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Southern District of Florida, Civil Case 07-mc-21850 (DLG). The Authority then filed a motion to dismiss in the Florida court arguing that the court lacked personal jurisdiction and raising the Authority's sovereign immunity. On September 27, 2007, the Authority filed a petition to vacate the arbitration award with the Puerto Rico Court of First Instance. Carnival then removed said action to this Court on the same day. Next, Carnival filed a motion to dismiss on October 5, 2007 and the Authority filed a motion to remand on November 2, 2007.

On September 29, 2008, this Court denied Carnival's motion to dismiss and entered a stay pending resolution of the jurisdiction issue before the Florida court. The Florida court concluded that it lacked personal jurisdiction over the Authority and, as a result, granted the Authority's motion to dismiss. Carnival then filed a notice of appeal with the United States Court of Appeal for the Eleventh Circuit. The Court then extended the stay pending resolution of Carnival's appeal. Prior to the Eleventh Circuit deciding the appeal, the parties reached a settlement on their dispute. Accordingly, the parties filed a joint motion to dismiss the appeal.

With the proceedings in Florida being completed, the parties turn to this Court. They jointly move for the Court to: (1) lift the stay; and (2) confirm the arbitration award.

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After considering the arguments by the parties, the Court hereby **LIFTS** the stay in the proceedings before this Court. Also, the Court hereby **CONFIRMS** the Arbitration Award, which is attached to the parties' joint motion as Exhibit B and which is incorporated by reference in this Order, pursuant to the Federal Arbitration Act, 9 U.S.C. § 9. Accordingly, the Court will enter a separate judgment dismissing the request to vacate the arbitration award.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 7th day of December, 2009.

s/Jaime Pieras, Jr.
JAIME PIERAS, JR.
U.S. SENIOR DISTRICT JUDGE